

DRAFT
TOWN BOARD MEETING

March 16, 2005

Supervisor Pagones opened the Regular Town Board meeting at 9:30 am, Town Hall, 807 Route 52, Fishkill, New York and led the audience with the "Pledge of Allegiance".

Present: Supervisor Joan A. Pagones; Town Board members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Town Attorney, Ronald Blass; Town Engineer, John Andrews; James A. Foy, Receiver of Taxes; Christopher Colsey, MDD; Susan McGuire, Personnel Director; Mike Tremper, Camo Pollution; Fred Cantor, William Ross, Robert Butts, Esq., David Deleo, Rich Rang

PUBLIC HEARING(s)

Establishment of Merritt Park Sewer District

Supervisor Pagones read (**copy attached to original minutes**) the notice of public hearing for the establishment of the Merritt Park Sewer District. Public hearing opened at 9:33 am

Town Engineer, John Andrews, made a quick introduction including the location, a brief history of the formation and dedications, the SEQRA process, the direction of the sewage, and the cost and fees.

Supervisor Pagones asked the audience if anyone would like to address the board. Hearing none, she stated she would entertain a motion to close the public hearing.

Motion made by Councilman Ferguson **to close the public hearing.**
Seconded by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried
Public hearing closed at 9:38 am

Motion made by Councilman Ferguson **to authorize supervisor to executive the protective agreement.** **Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution that approves the establishment of a sewer district known as Merritt Park Sewer District.

Motion made by Councilman Ferguson **to adopt the resolution for the establishment of a sewer district known as Merritt Park Sewer District.** **Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

March 16, 2005

NYS Community Development Small Cities Grant

Supervisor Pagones read (**copy attached to original minutes**) notice of public hearing for the NYS Community Development Small Cities Grant for Fishkill Glen Condominiums.

Public hearing opened at 9:39 am

Christopher Colsey, MDD, gave a brief history lesson on the Fishkill Glen Condominium Homeowners Association and the need for the grant.

Supervisor Pagones asked the audience if anyone would like to address the board. Hearing none, she stated she would entertain a motion to close the public hearing.

Motion made by Councilman Leenig **to close the public hearing.**

Seconded by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 9:40 am

ANNOUNCEMENTS

Cablevision Programming Changes

Supervisor Pagones read (**copy attached to original minutes**) notice of programming changes effective April 04, 2005 for the SciFi Channel, QVC, the Public Access, FitTV, Pay-Per-View, and Classified Ad Channel or CMT.

Legislative Aide new scheduled hours

Supervisor Pagones read (**copy attached to original minutes**) the new schedule of hours for the Legislative Aide, Joanne Shebanie.

Town Clean Up Days

Councilman Zack announced the Clean Up Days will be on May 14, 2005 and September 24, 2005. The hours will be from 8:00 am to 1:00 pm. It will be cost effective to close at 1:00 pm instead of 2:00 pm.

Letter of commendation

Supervisor Pagones read (**copy attached to original minutes**) a letter from Lori Traboldt, General Manager of the Courtyard by Marriott Hotel, commending Sgt. Hurley and Detective Gallo on their professionalism and dedication to see the issue through.

March 16, 2005

APPROVAL OF MINUTES

Supervisor Pagones stated that the minutes of March 02, 2005 were distributed for the Board's review and stated she would entertain a motion to approve the minutes.

Motion made by Councilman Ferguson **to approve the minutes of March 02, 2005 as submitted.** **Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

PRESENTATION(s)/DISCUSSION(s)

Drainage Districts - A Tool for addressing the MS4s

Supervisor Pagones read (**copy attached to original minutes**) an article by Stuart Mesigner, AICP, in regards to the drainage districts and the tool for addressing the MS4s. She continued stating she had conversations with Town Attorney, Ronald Blass and Town Engineer, John Andrews, in implementing these tools for new subdivisions.

Town Engineer, John Andrews, stated that in cases where they are new Stormwater quantity and control facilities, the opportunity will be created and will be a condition of any final approval where by if there are any facilities that could be dedicated to the Town of Fishkill, a drainage district will be formed which will encompass the specific development. That drainage district will have that specific goal, the operation and long term maintenance of these Stormwater facilities. Usually in old subdivisions, it was catch basins and pipes, and a point of discharge and occasionally there was a small pond that required mowing, no big deal. The new regulations area slightly more sophisticated, there are longer term maintenance requirements, it is the obligation of the Town to take over and most of these are rather specific. As you would do with a water and sewer district you would do with a drainage district. He continued by saying that this will be an issue that needs to be reviewed case by case basis, and going forward, you will be seeing applications in front of you for these Stormwater management districts. The subdivision maps will not be signed until the formation of these districts is done.

Supervisor Pagones asked if this Board could go on record approving this type of tool. She stated that communication from this board should be sent to the Planning Board stating such.

Motion made by Councilman Zack **to approve the establishment of the Drainage districts as discussed above.** **Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

March 16, 2005

February's Legislative report

Supervisor Pagones read (**copy attached to original minutes**) the February Legislative Report to Fishkill Town Board from Camile Price. Camile was unable to make the last meeting.

MOTION(s) TO APPROVE/ADOPT

Appoint John M. Donoghue

Supervisor Pagones read (**copy attached to original minutes**) a letter regarding legal services related to collective bargaining with the PBA.

Motion made by Councilman Ferguson **to appoint John M. Donoghue for the present contract negotiations that expires the end of this year at a rate of \$185.00/hour. Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Adoption of rezoning for the Crest at Fishkill

Dominick from Jim Loeb's office stated that he understands that the Town is not in a position to adopt a negative declaration or adopt the rezoning right at this point in time. He informed the Board that they are scheduled for a continuation of public hearing before the Planning Board for next Thursday, 04-24-2005 and that that public hearing has been extended a number of times. He asked the Board if it was possible to have this project put on the agenda for the special meeting that will be held on 03-23-2005 meeting.

Supervisor Pagones answered yes as long as they have all the information into the Town Clerk to be reviewed.

Town Hall Access Control System

Town Engineer, John Andrews, stated they received a series of bid; the Town has a requirement, a very specific requirement of apprenticeship training program participation for any contractor doing work in Town Hall, regardless the size of contract. Of the bidders for this Town Hall Access Control System, the first bidder submitted what is considered a qualified bid that is here is our bid, we read your insurance requirement, we don't agree with it, we can't meet them, but we can the work for this amount of dollars. As a consequence, the qualified bids our recommendation to the Board is to disqualify the low bidder because qualified bids are not acceptable. The second low bidder did not have that qualification but they are not a participant in the apprenticeship training program. The third low bidder is a participant in the apprenticeship training program.

Town Attorney, Ronald Blass looked into the second lowest bidders claim and found that the second lowest bidder is ineligible for non-responsiveness in the apprenticeship training program.

March 16, 2005

Motion mace by Councilman Ferguson **to reject the first low bidder (Alarm systems, d/b/a/ security Specialists); reject the second bidder (FD Security Systems, Inc.) due to non-participation in the necessary apprenticeship training, award bid to the third low bidder (ETC) in the amount of \$35,570. Seconded** by Councilman Zack

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Use of Police Community Room for Safe Driving Instruction

Supervisor Pagones read (**copy attached to original minutes**) an application from Diane Siegel who will be giving the Safe Driving course for Town employees and anyone who is interested in taking in April and May and requests the waiver of application fee.

Motion made by Councilman Ferguson **to approve the request for the use of the Police Community room and the waiver of application fee for several Safe Driving Courses. Seconded** by Councilwoman

Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Collection of ZBA Escrow balance due

Supervisor Pagones read (**copy attached to original minutes**) memo from Christopher Colsey regarding the collection of ZBA escrow balance that is due from Jack Huff, 30 Fairview Drive.

Christopher Colsey advised the board of the history leading up to this point and requested that the Town Board approves the step required to rectify the situation. He stated that he would put the individual on notice to pay all outstanding balances on the escrow account.

Motion made by Councilman Zack **to approve the required steps to rectify the situation in regards to the collection of ZBA escrow balance due from a Mr. Jack Huff, 30 Fairview Drive, and put Mr. Huff on notice with a hearing date of April 20, 2005. Seconded**

Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

March 16, 2005

Request to bid for surplus vehicles

Supervisor Pagones read (**copy attached to original minutes**) a request from Police Chief Donald Williams to surplus vehicles.

Motion made by Councilman Ferguson **to approve the request to surplus vehicles submitted by the Police Chief. Seconded** Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Eminent domain

Supervisor Pagones stated the Town is experiencing a situation down on Siscar Place in regards to acquiring an easement for drainage and would like to consider a resolution in regards to referring this to Don McGrath for appraisal purposes, then do the SEQRA work necessary to obtain eminent domain, and to authorize the preparation of a statutory letter.

Motion made by Councilman Zack **to authorize Don McGrath to prepare an appraisal as stated. Seconded** by Councilman Ferguson Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

MOTION(s) TO ACCEPT RESIGNATION

Court Officer

Councilman Ferguson read (**copy attached to original minutes**) letter of resignation from Michael Root as Court Officer and made a **Motion to accept said resignation. Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

MOTION(s) TO APPOINT

Court Officer

Motion made by Councilman Ferguson **to appoint Dominick (Nick) Santiago as Court Officer. Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Alternate ZBA member

Motion made by Councilman Zack **to appoint April B. C. Callahan as an alternate ZBA member.** **Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

BUDGET TRANSFERS

Motion made by Councilwoman Malvarosa **to approve the budget transfers as submitted as follows:**

Recreation	\$ 2,000	to cover cost of additional supplies
Comptroller	\$ 20,150	to cover 2004 Parklands Trust expenditure shortfall
Comptroller	\$ 30,000	to fund 911 project with excess revenues from mortgage tax receipts

(copies attached to original minutes)

Seconded by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

NEW and OLD BUSINESS

Councilwoman Malvarosa

The 2nd Dog show off will be held on 05-21-2005 from 1-3 and there will be a rabies/licensing clinic at the Glenham Fire house, she is looking at the return of many vendors and building on the success of last year.

The Animal Disaster Subcommittee is meeting to put in outline form, the plan, it is the small things that are trying, this plan will still be an addendum to the disaster plan - not trying to recircumvent the wheel, will inform the Supervisor when ready to go forward with meeting with supervisors and mayors.

Councilman Zack

The Recreation Easter hunt is this Saturday from 10-12.

The 911 committee is moving along and talking to Mr. Ratigan in regards to the mounting wall and plan on inviting the artist in to the next meeting.

Councilman Ferguson

Read **(copy attached to original minutes)** a letter from Scott A. Bierce requesting an extension of his leave of absence for one more year (03-15-2006) and made a **Motion to approve said request for extension of leave of absence to 03-15-2006.** **Seconded** by Councilman Zack Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

He stated there was a survey of water districts for fire departments, in regards to hydrants on the ends of the road not having sufficient pressure or water at all. The Glenham Fire House has purchased a tanker to be used where water pressure is low and/or not water at all.

March 16, 2005

Councilman Leenig

The fund raising for Big Brothers/Big Sisters has been cancelled due to their moving situation.

He had a meeting with Christopher Colsey to look for a better way of having one system where the departments can use a system that would encompass the departments accounting and clerk's office.

He has received information for the Memorial Day parade, to start at 9:30 am

James A. Foy

He asked about the Rombout Lighting District regarding the status of it.

Town Engineer, John Andrews, answered that the Town should have in their files a letter to Central Hudson that went out in January of this year.

Central Hudson has changed their policy and procedures and they are in the process of designing the two lighting systems, they will supply the Town with the necessary specifications. The Town will have to go to bid for the installation of the underground facilities, Central Hudson will then come in and put the lights in. He stated he is at the mercy of Central Hudson, he has not heard from them, they assured him they would get him the information in plenty of time to get this out to bid for summer work. He stated he will follow up and send another letter to Central Hudson.

James A. Foy informed John Andrews that there was a major uproar in that there was a change in board members. He stated he just wanted to be able to take something back to the HOA.

Town Attorney, Ronald Blass, stated that if the goal is to save the private development money, it would be physically neutral and costs are typically higher when a town takes over.

Supervisor Pagones stated that the lighting district would be listed on the tax bill as lighting district and the Town would collect the money for that. She reiterated that John Andrews will be in contact with Central Hudson.

Supervisor Pagones

Town of Fishkill and People vs. Steven E. and Jane Lucas and Andrew Lucas

Supervisor Pagones read (**copy attached to original minutes**) a letter from Kyle W. Barnett regarding a potential resolution and agreement between the Town of Fishkill, People vs. Steven E. and Jane Lucas and Andrew Lucas on 13 Lucas Lane and 7 Lucas Lane and 5 Anna Maria Court.

Motion made by Councilman Zack to **appoint Karen Hagstrom, Esq. to represent Mr. Peters in the chance this goes forward.** **Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack aye)

Motion Carried

March 16, 2005

Public Improvements

Supervisor Pagones read (**copy attached to original minutes**) a memo from Christopher Colsey regarding public improvements - the posting of performance bonds, letter of credit security for the bonds, offers of cession, etc.

Christopher Colsey stated that this is the consolidation and simplification of performance bonds, letter of credits, offers of cession, etc. and having all in one place. Darlene will be the primary with a diary of expiration dates; Debbie will be secondary along with Ron Blass as secondary with a diary of expiration dates.

Application of William P. Ross

Mr. Butts explained/reviewed (**copy attached to the original minutes**) his letter outlining the situation that Mr. Ross found himself in regarding his proposed project and the application fee. He asked for the application fee to be returned but was informed he would be permitted to receive the escrow fee but not the application fee. Mr. Butts asked if Mr. Ross could continue with the proposed application which would restore his application fee.

Christopher Colsey comments that strictly speaking, Mr. Ross would not get his application fee back but if the board agreed to Mr. Butts/Mr. Ross's request, they would be reversing their decision of last meeting.

Town Engineer, John Andrews, stated he had no problem with reinstating Mr. Ross's application without an additional application fee but wanted Mr. Ross and Mr. Butts to realize that this is not going to be like a yoyo effect.

Motion made by Councilman Zack to approve the reinstatement of Mr. Ross's application before the Planning Board without additional application fee. Seconded by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Rombout Water District

Town engineer, John Andrews, stated that he has a very quick item that deals with the Rombout Water District. Senior Horizons at Fishkill has commenced construction and they are running the utilities and will be connecting to the Rombout Water District and Rombout Sewer District. He stated that an unusual situation arose and stated there is an opportunity for all involved to correct a deficiency in the existing district facilities permit an acceptable connection by the project sponsor to benefit all parties. He continued saying that this will be handled as a joint operation, the project sponsor is already mobilized, they have the men and equipment in the field, and asked the Town to authorize Camo to purchase some repair material in the amount not to exceed \$7,500.00 and if need to be acquire and procure outside services in the amount not to exceed \$3,000.00.

March 16, 2005

Motion made by Councilman Zack to **authorize Camo Pollution to purchase repair material not to exceed \$7500.00 and if need be acquire and procured outside services not to exceed \$3000.00.**

Seconded by Councilwoman Malvarosa

Pagones (ayes), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Supervisor Pagones

Commented on the Circle M Wood Treating Corporation where DEC held a public hearing on 03-14-2005 to unveil the proposed remedial action plan, this is not something the Town was not aware of over the years and there is a possibility that the DEC is aware of contamination in various parts of the county and the communities may not know it exists.

Town Engineer, John Andrews, stated the Town Assessor received a letter two-three years ago clarifying the Circle M property as a known hazardous waste site and that is all the notification the Town received. He stated that this is not the first time something like this happens and the town has less a venue than adjacent property owners in cases like this.

Supervisor Pagones stated that the Town will continue to monitor the situation as much as possible. She commended Mr. Perna for taking over the site and agreed to remediate it.

Intermunicipal agreement

Supervisor Pagones stated that this Board will be meeting with the Town of Wappingers board in regards to working together on an Intermunicipal agreement to accept assessments from the Town of Wappingers under the guides of our Assessor. This Board is also working with the Village of Fishkill which plans to turn over their assessment function to the Town of Fishkill.

PRIVILEGE OF THE FLOOR FOR PUBLIC COMMENTS

Supervisor Pagones asked if anyone in the audience would like to speak and hearing none, she turned the floor to Councilman Ferguson.

Motion made by Councilman Ferguson to **appoint Laura Heine and Michael Root as full time Police Assistants. Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

March 16, 2005

EXECUTIVE SESSION

Motion made by Councilman Zack **to go into executive session.**
Seconded by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried
Executive Session at 10:50 am

Regular Order of Business

Motion made by Councilman Leenig **to go back into the regular order of business.** **Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Regular order of business at 11:15 am

Supervisor Pagones read (**copy attached to original minutes**) a resolution introducing a local law to repeal local law #12 of 2004 which created Section 143-14A to provide for local surcharges on town justice court convictions and to set a public hearing for said local law to be held on 04-06-2005 at 7:30 pm.

Motion made by Councilman Ferguson **to set a public hearing on 04-06-2005 at 7:30 pm for the introduction of a local law to repeal local law #12.** **Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

ADJOURNMENT

Motion made by Councilman Zack **to adjourn the meeting.** **Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Meeting adjourned at 11:17 am

Respectfully submitted,

Darlene Bellis,
Town Clerk

